

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:

VITO J. PIZZO

Debtor

Case No. 5-10-02417

Chapter 13

Robert N. Opel, II, B.J.

CERTIFICATION OF MAILING OF FIRST AMENDED CHAPTER 13 PLAN

The undersigned, certifies that he is over 18 years of age and that on April 6, 2021 he caused to be mailed via First Class U.S. Mail, postage pre-paid, the First Amended Plan, a copy of which is attached hereto as Exhibit "A"; along with the Notice of Filing of Amended Plan, a copy of which is attached hereto as Exhibit "B"; to the parties set forth in the Mailing Matrix, a copy of which is attached hereto as Exhibit "C". This statement is made subject to the penalties of perjury.

Law Offices of Brian E. Manning

/s/ Brian E. Manning
Brian E. Manning, Esquire
502 S. Blakely, St., Suite B
Dunmore, PA 18512
Tel. 570-558-1126
Fax 866-559-9808

Dated: April 6, 2021

LOCAL BANKRUPTCY FORM 3015-1**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA****IN RE:
VITO J. PIZZO****CHAPTER: 13****CASE NO. 5-20-02417****Debtor(s)**☐ ORIGINAL PLAN

1ST AMENDED PLAN (indicate #)

NONE Number of Motions to Avoid Liens

NONE Number of Motions to Value Collateral

CHAPTER 13 PLAN**NOTICES**

Debtors must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not Included" or if both boxes are checked or if neither box is checked, the provision will be ineffective if set out later in the plan.

1	The plan contains nonstandard provisions, set out in § 9, which are not included in the standard plan as approved by the U.S. Bankruptcy Court for the Middle District of Pennsylvania.	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
2	The plan contains a limit on the amount of a secured claim, set out in § 2.E, which may result in a partial payment or no payment at all to the secured creditor.	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
3	The plan avoids a judicial lien or nonpossessory, nonpurchase- money security interest, set out in § 2.G	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included

YOUR RIGHTS WILL BE AFFECTED

READ THIS PLAN CAREFULLY. If you oppose any provision of this plan, you must file a timely written objection. This plan may be confirmed and become binding on you without further notice or hearing unless a written objection is filed before the deadline stated on the Notice issued in connection with the filing of the plan.

EXHIBIT "A"

1. PLAN FUNDING AND LENGTH OF PLAN.**A. Plan Payments From Future Income**

1. To date, the Debtor paid \$ 0 (enter \$0 if no payments have been made to the Trustee to date). Debtor shall pay to the Trustee for the remaining term of the plan the following payments. If applicable, in addition to monthly plan payments, Debtor shall make conduit payments through the Trustee as set forth below. The total base plan is \$ [Enter text here](#) plus other payments and property stated in § 1B below:

Start mm/yyyy	End mm/yyyy	Plan Payment	Estimated Conduit Payment	Total Monthly Payment	Total Payment Over Plan Tier
04/2021	10/2025	879.15	0.00	879.15	48,353.39
				Total Payments:	48,353.39

2. If the plan provides for conduit mortgage payments, and the mortgagee notifies the Trustee that a different payment is due, the Trustee shall notify the Debtor and any attorney for the Debtor, in writing, to adjust the conduit payments and the plan funding. Debtor must pay all post-petition mortgage payments that come due before the initiation of conduit mortgage payments.
3. Debtor shall ensure that any wage attachments are adjusted when necessary to conform to the terms of the plan.
4. *Check One:*
☒ Debtor is at or under median income.

B. Additional Plan Funding From Liquidation of Assets/Other

1. The Debtor estimates that the liquidation value of this estate is \$ [Enter text here](#). (Liquidation value is calculated as the value of all non-exempt assets after the deduction of valid liens and encumbrances and before the deduction of Trustee fees and priority claims.)

Check one of the following two lines:

☐ No assets will be liquidated. *If this is checked, skip § 1.B.2 and complete § 1.B.3 if applicable.*

☐ Certain assets will be liquidated as follows:

2. In addition to the above specified plan payments, Debtor shall dedicate to the plan proceeds in the estimated amount of \$ [Enter text here](#) from the sale of property known and designated as [Enter text here](#). All sales shall be completed by [Date](#). If the property does not sell by the date specified, then the disposition of the property shall be as follows: [Enter text here](#)
3. Other payments from any source(s) (describe specifically) shall be paid to the Trustee as follows: [Enter text here](#)

2. SECURED CLAIMS.

A. Pre-Confirmation Distributions. *Check One:*

☒ None.

B. Mortgages (Including Claims Secured by Debtor's Principal Residence) and Other Direct Payments by Debtor. *Check One:*

- ☐ None.
If this is checked, the rest of § 2.B need not be completed or reproduced.
- ☐ Payments will be made by the Debtor directly to the creditor according to the original contract terms, and without modification of those terms unless otherwise agreed to by the contracting parties. All liens survive the plan if not avoided or paid in full under the plan.

Name of Creditor	Description of Collateral	Last Four Digits of Account Number
Fay Servicing	Debtor's Residence	8521

C. Arrears (Including, but not limited to, claims secured by Debtor's principal residence). *Check One:*

- ☐ None.
If this is checked, the rest of § 2.C need not be completed or reproduced.

- ☐ The Trustee shall distribute to each creditor set forth below the amount of arrearages in the allowed claim. If post-petition arrearages are not itemized in an allowed claim, they shall be paid in the amount stated below. Unless otherwise ordered, if relief from the automatic stay is granted as to any collateral listed in this section, all payments to the creditor as to that collateral shall cease, and the claim will no longer be provided for under § 1322(b)(5) of the Bankruptcy Code:

Name of Creditor	Description of Collateral	Estimated Pre-petition Arrears to be Cured	Estimated Postpetition Arrears to be Cured	Estimated Total to be paid in plan
Fay Servicing	Debtor's Residence	34,306.03	8,151.60	42,457.63

D. Other secured claims (conduit payments and claims for which a § 506 valuation is not applicable, etc.) *Check One:*

- ☒ None.

E. Secured claims for which a § 506 valuation is applicable. *Check One:*

- ☒ None.

F. Surrender of Collateral. *Check One:*

- ☒ None.

G. Lien Avoidance. *Do not use for mortgages or for statutory liens, such as tax liens. Check One:*

- ☒ None.

3. PRIORITY CLAIMS.**A. Administrative Claims**

1. Trustee's Fees. Percentage fees payable to the Trustee will be paid at the rate fixed by the United States Trustee.
2. Attorney's fees. Complete only one of the following options:
 - a. In addition to the retainer of \$ 4000.00 already paid by the Debtor, the amount of \$ 0 in the plan. This represents the unpaid balance of the presumptively reasonable fee specified in L.B.R. 2016-2(c); or
 - b. \$ [Enter text here](#) per hour, with the hourly rate to be adjusted in accordance with the terms of the written fee agreement between the Debtor and the attorney. Payment of such lodestar compensation shall require a separate fee application with the compensation approved by the Court pursuant to L.B.R. 2016-2(b).
3. Other. Other administrative claims not included in §§ 3.A.1 or 3.A.2 above. *Check one:*
 - ☐ None.
If this is checked, the rest of § 3.A.3 need not be completed or reproduced.
 - ☐ The following administrative claims will be paid in full.

Name of Creditor	Estimated Total Payment

B. Priority Claims (including certain Domestic Support Obligations).

Allowed unsecured claims entitled to priority under § 1322(a) will be paid in full unless modified under §9.

Name of Creditor	Estimated Total Payment
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Internal Revenue Service	1500.00

C. Domestic Support Obligations assigned to or owed to a governmental unit under 11 U.S.C. §507(a)(1)(B). Check one:

- ☐ None.
If this is checked, the rest of § 3.C need not be completed or reproduced.
- ☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim. *This plan provision requires that payments in § 1.A. be for a term of 60 months (see 11 U.S.C. §1322(a)(4)).*

Name of Creditor	Estimated Total Payment

4. UNSECURED CLAIMS.

A. Claims of Unsecured Nonpriority Creditors Specially Classified. Check one:

- ☒ None.

B. Remaining allowed unsecured claims will receive a pro-rata distribution of funds remaining after payment of other classes.

5. EXECUTORY CONTRACTS AND UNEXPIRED LEASES. Check one:

- ☒ None.

6. VESTING OF PROPERTY OF THE ESTATE.

Property of the estate will vest in the Debtor upon

Check the applicable line:

- ☒ plan confirmation.
- ☐ entry of discharge.
- ☐ closing of case.

7. DISCHARGE: (*Check one*)

- ☒ The debtor will seek a discharge pursuant to § 1328(a).
- ☐ The debtor is not eligible for a discharge because the debtor has previously received a discharge described in § 1328(f).

8. ORDER OF DISTRIBUTION:

If a pre-petition creditor files a secured, priority or specially classified claim after the bar date, the Trustee will treat the claim as allowed, subject to objection by the Debtor.

Payments from the plan will be made by the Trustee in the following order:

Level 1: [Enter text here](#)

Level 2: [Enter text here](#)

Level 3: [Enter text here](#)

Level 4: [Enter text here](#)

Level 5: [Enter text here](#)

Level 6: [Enter text here](#)

Level 7: [Enter text here](#)

Level 8: [Enter text here](#)

If the above Levels are filled in, the rest of § 8 need not be completed or reproduced. If the above Levels are not filled-in, then the order of distribution of plan payments will be determined by the Trustee using the following as a guide:

Level 1: Adequate protection payments.

Level 2: Debtor's attorney's fees.

Level 3: Domestic Support Obligations.

Level 4: Priority claims, pro rata.

Level 5: Secured claims, pro rata.

Level 6: Specially classified unsecured claims.

Level 7: Timely filed general unsecured claims.

Level 8: Untimely filed general unsecured claims to which the Debtor has not objected.

9. NONSTANDARD PLAN PROVISIONS.

Include the additional provisions below or on an attachment. Any nonstandard provision placed elsewhere in the plan is void. (NOTE: The plan and any attachment must be filed as one document, not as a plan and exhibit.)

[Enter text here](#)

Dated: April 6, 2021

Brian E. Manning
Attorney for Debtor

Vito Pizzo
Debtor

[Enter text here](#)
Joint Debtor

By filing this document, the debtor, if not represented by an attorney, or the Attorney for Debtor also certifies that this plan contains no nonstandard provisions other than those set out in § 9.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:

VITO J. PIZZO

Debtor

Case No. 5-20-02417

Chapter 13

Robert N. Opel, II, B.J.

NOTICE OF FILING OF FIRST AMENDED PLAN

To: Creditors, Parties in Interest and the Office of the United States Trustee

NOTICE IS HEREBY GIVEN THAT the Debtor in the above matter has filed a **First Amended Plan**. A copy of the **First Amended Plan** is included with this Notice.

A confirmation Hearing on the First Amended Plan has been scheduled for

Date: June 3, 2021 at 9:30 a.m.

Time 9:30 a.m.

Place: Courtroom No. 2

United States Bankruptcy Court

Max Rosenn U.S. Courthouse

197 S. Main St.

Wilkes-Barre, PA 18701

Any objection/response to the **First Amended Plan** must be filed with the Court and served upon counsel for the Debtor at the address listed below, on or before **May 26, 2021**. Any filing must conform to the Rules of Bankruptcy Procedure, unless the Court determines otherwise. Any objections to confirmation of the plan will be heard at the above-scheduled confirmation hearing. Counsel should be prepared to proceed on any unresolved objections to the plan at this time.

If Service was properly made and any creditor or other party in interest failed to file an objection/response by the above specified date, the Court may determine after review of the **First Amended Plan** that no hearing is required and confirm the First Amended Plan.

Brian E. Manning, Esquire
Law Office of Brian E. Manning

502 S. Blakely St., Suite B

Dunmore, PA 18512

Tel. 570-558-1126

Fax 866-559-9808

Email: brianemanning@comcast.net

Attorney for the Debtor

Date of Mailing: April 3, 2021

EXHIBIT "B"

Label Matrix for local noticing
0314-5
Case 5:20-bk-02417-HWV
Middle District of Pennsylvania
Wilkes-Barre
Tue Apr 6 12:48:07 EDT 2021

Amex
Correspondence/Bankruptcy
PO Box 981540
El Paso, TX 79998-1540

(p)CAINE & WEINER COMPANY
12005 FORD ROAD 300
DALLAS TX 75234-7262

Capital One Bank USA N
PO Box 30281
Salt Lake City, UT 84130-0281

Discover Fin Svcs LLC
PO Box 15316
Wilmington, DE 19850-5316

Fay Servicing LLC
Attn: Bankruptcy Dept
PO Box 809441
Chicago, IL 60680-9441

Fidelity Deposit & Discount Bank
338 N. Washington Avenue
Scranton, PA 18503-1554

LVNV Funding, LLC c/o Resurgent Capital Serv
PO Box 10587
Greenville, SC 29603-0587

Manley Deas Kochalski, LLC
PO Box 165028
Columbus, OH 43216-5028

Mariner Finance, LLC
Attn: Bankruptcy
8211 Town Center Dr
Nottingham, MD 21236-5904

Amato & Keating
107 N Commerce Way
Bethlehem, PA 18017-8913

Amex
PO Box 981537
El Paso, TX 79998-1537

Capital One
Attn: Bankruptcy
PO Box 30285
Salt Lake City, UT 84130-0285

Charles J DeHart, III (Trustee)
8125 Adams Drive, Suite A
Hummelstown, PA 17036-8625

Discover Financial
Attn: Bankruptcy
PO Box 3025
New Albany, OH 43054-3025

Fay Servicing, LLC
c/o McCalla Raymer Leibert Pierce, LLC
Bankruptcy Department
1544 Old Alabama Road
Roswell, GA 30076-2102

Fidelity Deposit & Discount Bank
338 North Washington Avenue
Scranton, PA 18503-1554

Law Office of Brian E Manning
502 S Blakely St
Dunmore, PA 18512-2237

Brian E Manning
502 South Blakely Street
Suite B
Dunmore, PA 18512-2237

Midland Credit Managem
320 E Big Beaver Rd
Troy, MI 48083-1238

American Express National Bank
c/o Becket and Lee LLP
PO Box 3001
Malvern PA 19355-0701

Bank Cs LLC/Fidelity D
101 N Blakely St
Dunmore, PA 18512-1901

Capital One Bank (USA), N.A.
by American InfoSource as agent
PO Box 71083
Charlotte, NC 28272-1083

Discover Bank
Discover Product Inc
PO BOX 3025
New Albany, OH 43054-3025

Enhanced Recovery Co L
PO Box 57547
Jacksonville, FL 32241-7547

Fayfinancial
1601 Lyndon B Johnson Fwy
Farmers Branch, TX 75234-6512

LVNV Funding, LLC
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

MIDLAND CREDIT MANAGEMENT, INC. as agent for
Asset Acceptance, LLC
Po Box 2036
Warren MI 48090-2036

Mariner Finance
8211 Town Center Dr
Nottingham, MD 21236-5904

Midland Credit Management, Inc.
PO Box 2037
Warren, MI 48090-2037

Onemain
PO Box 1010
Evansville, IN 47706-1010

Onemain Financial
Attn: Bankruptcy
PO Box 3251
Evansville, IN 47731-3251

PRA Receivables Management, LLC
PO Box 41021
Norfolk, VA 23541-1021

Pennsylvania Department of Revenue
Bankruptcy Division
P.O. Box 280946
Harrisburg, PA 17128-0946

Vito J. Pizzo
511 Harrison Ave
Scranton, PA 18510-2311

Pizzo Vito J
511 Harrison Ave
Scranton, PA 18510-2311

(p)PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

Raymour & Flanigan
Attn: Bankruptcy
PO Box 130
Liverpool, NY 13088-0130

Joseph P Schalk
Office of the United States Trustee
228 Walnut Street
Suite 1190
Harrisburg, PA 17101-1722

Rebecca Ann Solarz
KML Law Group, P.C.
701 Market St.
Suite 5000
Philadelphia, PA 19106-1541

Jill M. Spott
Sheils Law Associates, PC
108 North Abington Road
Clarks Summit, PA 18411-2505

Synco/amazon
PO Box 965015
Orlando, FL 32896-5015

Synchrony Bank
c/o PRA Receivables Management, LLC
PO Box 41021
Norfolk VA 23541-1021

Synchrony Bank/Amazon
Attn: Bankruptcy
PO Box 965060
Orlando, FL 32896-5060

TD Retail Card Services
c/o Creditors Bankruptcy Service
P.O. Box 800849
Dallas, TX 75380-0849

Tdrcs/raymour & Flanig
1000 Macarthur Blvd
Mahwah, NJ 07430-2035

The Sherwin Williams Co.
811 S Washington Ave
Scranton, PA 18505-3895

U.S. Bank NA dba Elan Financial Services
Bankruptcy Department
PO Box 108
Saint Louis MO 63166-0108

US Bank Trust National Association
3476 Stateview Blvd
Fort Mill, SC 29715-7203

US Bank Trust National Association
c/o Fay Servicing, LLC
PO Box 814609
Dallas, TX 75381-4609

United States Trustee
228 Walnut Street, Suite 1190
Harrisburg, PA 17101-1722

James Warmbrodt
701 Market Street Suite 5000
Philadelphia, PA 19106-1541

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Caine & Weiner
PO Box 55848
Sherman Oaks, CA 91413-0848

Portfolio Recovery Associates, LLC
POB 12914
Norfolk VA 23541

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)Fay Servicing, LLC
c/o McCalla Raymer Leibert Pierce, LLC
Bankruptcy Department
1544 Old Alabama Road
Roswell, GA 30076-2102

(d)Fay Servicing, LLC
c/o McCalla Raymer Leibert Pierce, LLC
Bankruptcy Department
1544 Old Alabama Road
Roswell, GA 30076-2102

(d)Pennsylvania Department of Revenue
Bankruptcy Division PO Box 280946
Harrisburg PA 17128-0946

(d)Synchrony Bank
c/o PRA Receivables Management, LLC
PO Box 41021
Norfolk, VA 23541-1021

(u)US Bank Trust National Association, Not In

End of Label Matrix	
Mailable recipients	51
Bypassed recipients	5
Total	56